

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DRESTON F. WALKER

Case No. C-3-07-225

Petitioner,

**Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington**

-v-

**ERNIE MOORE, Warden
Lebanon Correctional Institution**

Respondent.

ENTRY AND ORDER OVERRULING WALKER'S OBJECTIONS (Doc. #7) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #3) IN ITS ENTIRETY AND TERMINATING THIS CASE

This matter comes before the Court pursuant to Petitioner Dreston F. Walker's ("Walker's") Objections to Magistrate Judge Sharon L. Ovington's Report and Recommendations. The Report and Recommendations were issued on July 11, 2007. On July 31, 2007, this Court adopted the Report and Recommendations in full and denied and dismissed Walker's Petition for a Writ of Habeas Corpus. Walker then sought relief from this Court's Judgment arguing that a copy of the Report and Recommendations was not served on him. (Doc. #6.) The Court then vacated its previous Order and gave Walker until not later than September 7, 2007, to file his objections to the Report and Recommendations. Walker did so on August 31, 2007 (Doc. #7) and the Warden has not responded. Walker's Objections are, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court

finds that Walker's objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is adopted in its entirety.

Walker's Petition for a Writ of Habeas Corpus is DENIED and DISMISSED. The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

The Clerk is hereby ordered to serve a copy of this Order on the Attorney General of Ohio, c/o Assistant Attorney General Stephanie Harris Watson, Habeas Unit Coordinator, 150 East Gay Street, 16th Floor, Columbus, Ohio 43215. The Clerk is also hereby ordered to serve a copy of this Order on Petitioner Dreston F. Walker at his last known address.

DONE and **ORDERED** in Dayton, Ohio, this Ninth day of November, 2007.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Dreston F. Walker